

(625.163CIP)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
( 3259.2615)

Applicant: Bin Chung et al Paper No:

U.S.S.N: 08/823,411 Group Art Unit: 1714

Filed: March 25, 1997 Examiner: Michl, P.

Title: Novel Elastomer Composites Method and Apparatus

BATCH NO. B01

RECEIVED  
FEB 07 2000  
OFFICE OF PENDING  
DEPUTY AS PATENT  
\*\*\*\*\*

EXPLANATORY DECLARATION UNDER 37 C.F.R. § 1.68

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, James A. Shell, hereby declare as follows:

1. I am a named inventor of U.S. Patent Application Serial No. 08/942,449 filed on October 1, 1997 and originally entitled Novel Composite Blends and Methods II. (This patent application is referred to below as the "Patent Application").
2. In August 1999, I received a supplemental Declaration and Power of Attorney for Patent Application (that document is referred to below as the "Declaration") with a cover letter from Peter McDermott, an outside patent attorney hired by my then employer, Cabot Corporation, the assignee of the Patent Application. The cover letter from Mr. McDermott requested that I sign the Declaration and return it to him, which I did.

3. I have now received a letter from Mr. McDermott, dated December 23, 1999 (copy attached), explaining that the Declaration was not for the Patent Application, but rather was for a parent application U.S. Serial No. 08/823,411 of which I am not a named inventor. A copy of application U.S. Serial No. 08/823,411 was included with Mr. McDermott's December 23, 1999 letter.
4. I have now read patent application Serial No. 08/823,411. I am not an inventor or co-inventor of patent application U.S. Serial No. 08/823,411. I signed the Declaration for patent application Serial No. 08/823,411 mistakenly believing that it was for the Patent Application. All of the individuals named in the Declaration are named inventors with me on the Patent Application, and I did not recognize that the title of the invention differed somewhat from that of the Patent Application and that the U.S. serial number recited in the Declaration differed from that of the Patent Application.
5. I am executing this Explanatory Declaration promptly upon being informed by Mr. McDermott of his error in including me on the Declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-6-2000  
Date

  
James A. Shell



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Peter D. McDermott  
[mcdermott@bannerwitcoff.com](mailto:mcdermott@bannerwitcoff.com)

December 23, 1999  
Via Federal Express

James A. Shell  
2055 Laurel Lake Drive  
Suwanee, GA 30024

**Re: Patent Application for:  
Novel Elastomer Composites Method and Apparatus**

Dear Mr. Shell:

As we have discussed by phone, I am enclosing a document entitled Explanatory Declaration Under 37 C.F.R. § 1.68 for your review. It relates to your having been mistakenly included as a named inventor in Cabot patent application 08/823,411. A copy of that application, along with a copy of the claims as allowed also are enclosed for your review. If you find the Explanatory Declaration to be correct and complete, please sign and date it and return it to me in the overnight envelope provided.

Please allow me to apologize again for my error of last August in presenting you with the mistaken Declaration for your signature, for Application U.S. Serial No. 08/823,411. I listed you as an inventor on that paper, along with all of your co-inventors of a different Cabot patent application, i.e., U.S. Patent Application Serial No. 08/942,449. (Four of the listed individuals are actual named coinventors of U.S. Serial No. 08/823,411.) I am sending this letter with the Explanatory Declaration to you and the other two incorrectly listed individuals, Ting Wang and Noboru Tokita.

Please call me if you have any questions or any thoughts with respect to the enclosed Explanatory Declaration. If you find it to be accurate and complete, please sign it and return it to me in the envelope provided. Again, please accept my apologies for this inconvenience. Best wishes for the holidays and the new millennium.

Sincerely,

Peter D. McDermott

CHICAGO

WASHINGTON, D.C.

BOSTON

PORLAND, OR.

PDM:aml  
Enclosures



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December 23, 1999  
Via Federal Express

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RECEIVED  
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**Re: Patent Application for:  
Novel Elastomer Composites Method and Apparatus**

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Regards,

Peter D. McDermott

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WASHINGTON, D.C.  
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PORTLAND, OR.

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